

	GENERAL ORDER		6-19
	SUBJECT: BODY WORN CAMERA POLICY		
	DATE ISSUED	DATE EFFECTIVE	NO. PAGES
	03-25-2019	03-25-2019	21

PURPOSE

The purpose of this General Order is to establish guidelines for the use, management, storage, and dissemination of audio/video footage recorded by body worn cameras (BWC) deployed to its members by the Jersey City Police Department. The objective of the BWC program is to provide accountability and transparency regarding interactions between members of the JCPD and the public in order to gain the public's confidence and support.

POLICY

It is the policy of the Jersey City Police Department to utilize body worn cameras (BWC) to assist its members in the performance of their duties by providing accurate and unbiased accounts of interactions with citizens during an officer's response to an incident.

Members shall be guided by this order, Attorney General Law Enforcement Directive No. 2015-1 pertaining to Body Worn Cameras (BWCs) and Stored BWC Recordings, and those policies or directives issued by the Attorney General of the State of New Jersey and the Hudson County Prosecutor's Office.

Members shall use the equipment in accordance with the training provided on the use of BWCs as well as the manufacturer's guidelines on the use of the device.

The Jersey City Police Department website/webpage (JCPDOnline.org) contains a clear statement that this department utilizes body worn cameras. The website posting includes an image showing what the device looks like and how it is to be worn by uniformed officers so that citizens will be able to determine whether an officer is equipped with the device.

PROCEDURES

I. Definitions

For purposes of this general order, the following terms are defined

- a. Activate means to activate the recording mode/function of a body worn camera.*

*When the COBAN BWC is turned on and in standby or buffering mode, the device does not make a permanent record of images/sounds unless the officer activates the recording mode/function. When the officer activates the recording mode/function, the device automatically preserves an electronic recording of the events that transpired 30 seconds before the recording mode/function was activated (video only). This time-delay or "buffering" feature allows the device to capture visual data concerning the event circumstances that prompted the officer to activate the BWC. When an officer does not activate the recording mode/function, data captured while the device is in standby/buffering mode is overwritten automatically.

b. Body worn camera (BWC) means a device worn by a law enforcement officer that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e., a dash cam). The term also does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity. Nor does the term include an electronic recording device when used to comply with the requirements of Court Rule 3:17 (electronic recording of station house custodial interrogations).

c. Constructive authority shall have the same meaning as defined in the Attorney General's Use of Force Policy, except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest or directed against any person if the officer has un-holstered a firearm or a conducted energy device.

d. Force shall have the same meaning as defined in the Attorney General's Use of Force Policy. The term "force" shall include physical, mechanical, enhanced mechanical and deadly force.

e. Investigation of a criminal offense means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

f. School means an elementary or secondary school.

g. Tagging is an electronic labeling of a video file captured by the BWC.

h. Youth facility means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

II. General

- A. BWC recordings provide invaluable, objective evidence of what actually occurred. The practical utility of BWCs lies not only in their ability to record objectively the circumstances of a police-civilian encounter, but also in their capacity to provide a true and accurate depiction of an incident.
- B. BWC recordings may not only serve to discourage persons from providing false information about the circumstances of an encounter but also may vindicate an officer falsely accused of misconduct.

- C. While visual and audio evidence may be captured on a BWC recording, this recording is not intended to document all evidence relevant to an event, but it can serve to supplement and refresh an officer's recollection of the event.
- D. BWCs shall only be utilized for legitimate law enforcement purposes. Personnel shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
- E. Adequate safeguards are necessary to ensure that this technology is:
 - 1. Used in a non-discriminating way;
 - 2. Used to properly preserve evidence;
 - 3. Used to safeguard against potential violations of the New Jersey State Wiretap Laws, NJSA 2A: 156A-1, et seq.
- F. When properly used, this equipment will have the following capabilities:
 - 1. Creation of accurate documentation of police-citizen encounters and other patrol related activities.
 - 2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.
- G. These recordings will serve the following purposes:
 - 1. Recordings serve as protection for police officers when there are complaints about misconduct or lack of professionalism during encounters with the public.
 - 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 - 3. The recordings can resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
 - 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 - 5. Supervisors will be able to view the recordings and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
 - 6. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the

general public.

7. Recordings enhance management's ability to train personnel in proper police procedures.
- H. Desk supervisors, when recording the names and assignments of officers, shall also record in the desk blotter the assigned BWC number for each officer for that tour of duty. Desk supervisors will ensure accurate accountability of the BWCs and will conduct a visual inspection for obvious signs of damage.
- I. Officers shall inspect their BWCs at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system. An officer equipped with a BWC shall be responsible for determining that the device's battery is adequately charged before going into the field.
- J. If a malfunction is detected, the officer shall report the malfunction to a supervisor before going into the field. If the BWC malfunctions while out in the field, the malfunction, upon its discovery, shall be reported to the officer's supervisor as soon as it is safe and practicable to do so. In either case, the officer shall complete a 203A report documenting the BWC serial number as well as the description of the malfunction. Malfunctioning units shall be taken out of service and not be deployed until repairs have been made. A replacement unit shall be procured upon availability.
- K. Repairs to any BWC equipment shall only be performed by the manufacturer or under the direction of the designated BWC system administrator or his/her designee.
- L. Enhanced audio/video capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device (e.g., infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance), shall not be used without the express approval of the Hudson County Prosecutor or designee.
- M. Any sworn officer or civilian employee of this Department who knowingly violates the requirements of this Order shall be subject to discipline.

III. Officers Authorized to Wear/Use BWCs

- A. The Chief of Police shall determine which officers will be equipped with BWCs and shall determine the types of duty assignments (for example, uniformed patrol, plainclothes, detectives, special/tactical operations deployments, etc.) when those officers will wear BWCs.
- B. In the case of a task force, team, or unit composed of officers from more than one law enforcement agency, or on assigned out status, the chief law enforcement officer of the agency overseeing the task force, team, or unit (the County Prosecutor in the case of a countywide task force) shall determine

whether and in what circumstances officers assigned to the task force, team, or unit will wear BWCs.

C. An officer that is authorized and has received the appropriate training shall:

1. document the device number on their patrol activity sheet
2. BWCs shall be worn on the outer-most garment. It will be secured to the garment using the magnetic mount supplied by COBAN that is part of the BWC equipment. The BWC will be positioned high on the center of the chest at badge level facing the officer's point of view. Officers are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident to the extent possible.
3. tag all videos on their BWC the officer feels may have significant relevance to any incident recorded

D. An officer shall not wear a BWC unless he/she has:

1. been authorized to do so by the Chief of Police; and
2. received training on the proper care and use of the device in accordance with the requirements of this Order

IV. Training/BWC Unit

A. The Chief of Police shall designate one or more training officers and shall establish a training program to ensure that officers equipped with BWCs and officers and civilian employees who access or handle BWC recordings are familiar with the provisions of this Order. The program shall also ensure:

1. initial training is provided to all newly hired officers and/or officers who were not previously trained
2. periodic refresher training, as required, to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment
3. supplemental training as needed; and

B. The Chief of Police shall establish a BWC Unit consisting of Supervisors who have been trained and are familiar with the provisions of this Order. These designated supervisory personnel will be responsible for reviewing, auditing, and editing BWC footage as required.

V. Activation/Deactivation of BWC

A. The following incidents shall be recorded:

1. All traffic stops from the time the violation is observed until the stop is concluded, including sobriety testing;
2. Field sobriety testing;
3. All calls for service;
4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, assignments at ABC establishments where alcohol is consumed (ABC establishments, festivals, etc.);
5. Crash scenes, including interviews on the scene;
6. Crime scenes;
7. Motor vehicle pursuits;
8. Investigations of criminal violations (not to include undercover investigations or related surveillance activities);
9. Investigative detentions/field interviews;
10. Searches (all types, including frisks);
11. Arrests;
12. Arrestee/prisoner transportation;
13. When an officer uses force or constructive authority, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any investigation report);
14. Special events or projects, including but not limited to crowd control, unruly crowds, or incidents requiring activation of the emergency operations plan;
15. Domestic violence investigations;
16. Strikes, picket lines, demonstrations;

17. Officer initiated pedestrian stops;

18. Welfare checks of residents and motorists (motorist aid).

- B. When an officer equipped with a BWC is dispatched to a call for service, the officer shall activate the BWC prior to arrival at the location to which the officer has been dispatched.
- C. When an officer equipped with a BWC volunteers for a call for service or assistance, the officer shall activate the BWC prior to arrival at the location to which the officer is responding. In a situation where it is impractical to record the incident, the officer must notify their immediate supervisor, as soon as it is safe to do so. Reasons for not recording the incident shall be documented on an incident report (if required) or 203A.
- D. Notwithstanding any other provision of this General Order, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene unless impracticable.
- E. Notwithstanding any other provision of this General Order, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly force incident, via chain of command, pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.
- F. BWCs shall remain activated for the entire duration of citizen contacts (calls for service, pedestrian/MV stop, etc.) until either the officer or citizen has departed the scene and the officer has notified communications that the event is closed. Officers shall narrate when intentionally stopping the recording.
- G. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee. Officers shall narrate when intentionally stopping the recording.
- H. When wearing a BWC, officers **shall notify crime victims and civilians inside of their homes** or place of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.

1. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the incident report of the incident and/or by narrating the reasons on the BWC recording.
 2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
 3. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report why a recording was not made, was interrupted, or was terminated.
- I. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the Hudson County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected provided however, that the agreement to participate under that condition is itself recorded.
 - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide only if the deactivation request is honored.
 2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him/herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance.

3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g. "...*I am now turning off my BWC as per the victim's request*");
 - c. The officer shall report the circumstances concerning the deactivation to the supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in any incident report concerning the incident under investigation.
4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented and shall be reported to an immediate supervisor as soon as it is safe and practicable to do so.
 - a. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Hudson County Prosecutor or his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
5. Officers may deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "...*I am now turning off my BWC as per the instruction of assistant prosecutor (insert name)*").
6. Officers may deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the

BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC to discuss investigative strategy with my supervisor*").

7. If an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "*...I am entering a school building where children are present.*"). The BWC shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).
8. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Hudson County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Hudson County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
9. In any instance where a BWC was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist and the officer would otherwise be required to activate the BWC.
- J. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer require that the encounter/incident be recorded, in which event the officer shall inform their supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.

- K. Upon the Emergency Services Unit being provided BWCs, they shall be worn during tactical operations (ESU operations). In the event that a BWC, worn during the execution of tactical operations, records confidential tactical information, the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.
- L. Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use force or constructive authority, or unless the presiding judge expressly authorizes such activation.
- M. The BWC may produce radio-frequency interference while activated or while in standby mode, therefore, the device shall be deactivated and powered down (turned off) while in the ALCOTEST area when the ALCOTEST device is being used. The officer shall narrate the reasons for deactivation (e.g., "*...I am deactivating the BWC because the suspect is about to take a breath test*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated.
- N. When a BWC is activated, officers are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
- O. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in the Jersey City Police Department's Internal Affairs Policy. All other requests to view and/or obtain footage by the public shall be handled in accordance with section VIII.G. of this General Order.
- P. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report why a recording was not made, was interrupted, or was terminated.
- Q. A BWC shall not be activated while the officer is on break or otherwise is not actively performing law enforcement functions or where individuals have a reasonable expectation of privacy (e.g., while eating meals, while in a restroom, locker room, etc.).
- R. A BWC shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction.

VI. Officer Responsibilities

- A. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- B. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 - 1. When conducting the pre and post shift inspection, the officer shall activate the BWC and verbally state the date, time, whether a pre or post-shift inspection is being conducted, and that a test is being performed on the unit.
 - 2. Any problems preventing the use of the unit during the shift will be reported to the officer's immediate supervisor upon discovery. The supervisor shall assign a spare BWC from the charger and note the number of the fresh unit on desk blotter
 - 3. After each roll call the desk lieutenants shall inspect the BWC docks to ensure that all BWCs have been deployed and returned accordingly. BWC deployment and returns shall be compared to the shift schedules and the inspection shall be noted on the supervisors verification form.
- C. When video/audio footage is captured, it shall be noted in the incident report by typing/writing the capital letters *BWC* at the end of the report to signify that video/audio is available for the case. BWC recordings are not a replacement for written reports. *Under no circumstances shall officers simply refer to a BWC recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations.*
- D. When reviewing such reports, desk lieutenants shall ensure that the pertinent CAD/RMS record is annotated with an entry noting a BWC was used.
- E. When reviewing incident reports, desk lieutenants shall ensure that district commanders are made aware of recordings that are subject to meaningful command review. District commanders shall be notified of recordings subject to meaningful command review by the desk lieutenant's completion of a 203A. Multiple notifications can be made by the use of this 203A.
- F. At the end of each shift the officer shall place the BWC into the charger, which will automatically download. Officers shall tag any recordings that require tagging as soon as practical. Tagging shall include the case number and/or any other identifying markers to link it to a specific case. All of the recordings from the officer(s) associated with an incident and/or investigation, requiring retention beyond the 100-day default retention period, shall be assigned a

category (listed below). Tagging such recordings shall not be used as a means to generate overtime. Recordings that have not downloaded prior to the end of a shift shall be tagged upon the officer's return to work.

1. Categories for tagging and retention purposes:

- a. Civil lawsuit - for evidence related to an actual pending civil lawsuit;
- b. Complaint against police - recording needed for a potential or actual complaint against police;
- c. Criminal arrest;
- d. Delete request - for recordings as described in section VII.B.1.;
- e. Disorderly arrest;
- f. Evidence;
- g. Officer injury;
- h. Pedestrian stop;
- i. Pending review - for COBAN quality control purposes only;
- j. Special operations - for recordings as described in section V.K.;
- k. Special privacy - for recordings as described in section VI.F.2.;
- l. Training demonstration;
- m. Use of force;
- n. Vehicle pursuit.

2. Officers shall categorize videos that capture any of the following circumstances that the New Jersey Attorney General has deemed 'special privacy' issues (see below). Officers must tag those recordings falling into these categories by the end of their next shift. Recordings marked 'special privacy' will have viewing immediately restricted to the BWC Unit and designated personnel assigned by the Chief of Police. All initial police reports must be written prior to a video being categorized 'special privacy'. To identify BWC recordings

that may raise special privacy or safety issues, officers shall appropriately label recordings that:

- a. Capture the image of a victim of a criminal offense;
- b. Capture the image of a child;
- c. Were made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
- d. Capture a conversation with a person whose request to deactivate the BWC was declined;
- e. Capture a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
- f. Capture the image of an undercover officer or confidential informant; or
- g. Capture the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive informant

VII. Supervisory Review

- A. Supervisory personnel shall ensure that officers under their command equipped with BWCs utilize them in accordance with this Order.
- B. The BWC Unit consisting of designated supervisory personnel is responsible for the periodic and/or random reviewing of non-evidential BWC events in an effort to ensure the equipment is operating properly, to assess officers' performance and adherence to written directives/policies and established professional standards, and to identify other training needs.
- C. In order to maintain fairness in the selection of videos reviewed, the BWC Unit shall create a list of randomly selected individual officers to observe. This may be accomplished by computer generation or manually.
- D. Upon completion of the periodic review, the BWC Unit shall prepare an administrative report documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.

- E. The Internal Affairs Unit shall obtain, review, and retain all administrative reports generated in accordance with this Order and a summary report will be forwarded to the Chief of Police for review.
- F. Separate from the above-mentioned periodic review of randomly selected officers, the Chief of Police or Internal Affairs Commander may review specific BWC footage if circumstances arise that require an investigation effort to commence.
- G. If an officer authorized to utilize a BWC has been flagged by the Internal Affairs Unit-Early Warning System, then the Internal Affairs Unit shall periodically review that officer's BWC footage and shall document to the Chief of Police any observed behavior requiring corrective action and shall include the action taken (training, disciplinary charges or placed in this department's Intensive Supervision Program).

VIII. Management/Retention/Viewing of BWC Recordings

- A. The retention period for Jersey City Police Department BWC recordings shall not be less than 100 days, and shall be subject to the following additional retention periods:
 - 1. When a BWC recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution. It will be the responsibility of every officer to properly and uniformly "tag" all videos at this time on their BWC.
 - a. The officer will advise the patrol/desk supervisor and request the video be exported (burned/copied). The patrol/desk supervisor, officer, or body camera unit will export the video onto a DVD when video footage captures the recovery of evidence, statements made by suspects/victims, descriptions relevant to an investigation, and/or identifications of suspects/victims. The patrol/desk supervisor, officer, or body camera unit will view the beginning, middle, and end portion of said video to ensure the exportation was successful. The officer will then place the video/DVD into evidence. The above procedure shall be documented in the officer's investigation report.
 - b. If the officer is involved in an incident where he/she believes BWC video footage may be beneficial to respond to an Internal Affairs complaint, or similar, the officer shall immediately notify a supervisor and request that the video retention period be extended. The video shall be tagged "Officer Request". If the incident required an investigation report, the above procedure shall be documented in the narrative.

- c. Any other video footage regarding a reported criminal offense will be tagged accordingly and preserved on the server.
 2. When a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.
 3. When a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action. Internal affairs personnel will have the ability to extend the retention period or export the video to be preserved on a DVD.
 4. When a BWC records footage that may be of evidentiary value and that footage has already been preserved on a DVD and placed into evidence, a Detective Commander may extend the retention period on the BWC video recording server in accordance with the investigation.
- B. The Department has established within the BWC system procedures to ensure the integrity, proper handling, and storage of all BWC recordings. This system includes provisions to:
1. ensure that all recordings are uploaded to a secure data storage system in a timely fashion;
 2. prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the storage system;
 3. prevent unauthorized access to stored BWC recordings;
 4. document all instances where BWC recordings are accessed, viewed, copied, disseminated, or deleted; and
 5. permit auditing of all instances where BWC recordings are accessed, viewed, copied, or deleted
- C. Viewing of BWC events is strictly limited to sworn officers of the Jersey City Police Department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with the provisions of this general order.
- D. No officer or civilian employee shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to and use of a stored BWC recording is permitted only:
1. When relevant to and in furtherance of a criminal investigation or

- prosecution;
2. When relevant to and in furtherance of an internal affairs investigation;
 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 4. To assist the officer whose BWC made the recording in preparing his or her own police report (NOTE exception in section VI.F.2. of this General Order;
 5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process;
 6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
 7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. The Jersey City Police Department reserves the right to redact video as applicable by law.
 - d. All requests for copies or review of BWC recordings may be subject to fees assessed by the City of Jersey City.
 8. To comply with any other legal obligation to turn over the recording to a person or entity;
 9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
 10. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by

providing information about the layout of a premises to be searched), when such use is approved by the Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee;

11. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Hudson County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that particular person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 12. To conduct an audit to ensure compliance with this general order;
 13. Any other specified official purpose where the Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording
- E. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of N.J.S.A. 2C: 28-7, and is a 4th degree crime.
- F. The Chief of Police or his/her designee shall notify the Hudson County Prosecutor's Office within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it. Such notice shall clearly state the deadline by which a response must be made.
- G. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Hudson County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
1. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during

execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Hudson County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.

2. A BWC recording tagged pursuant to the section 'Special Privacy' of this general order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to the 'Special Privacy' section of this order.
 3. The assistant prosecutor overseeing a police use of force investigation pursuant to Attorney General Law Enforcement Directive 2006-5, or his/her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this general order, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the expressed prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.
- J. The Chief of Police or his/her designee (BWC Unit) shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this general order. Minimally, the record keeping system shall document the following information:
1. The date and time of access;
 2. The specific recording(s) that was/were accessed;
 3. The officer or civilian employee who accessed the stored recording;

4. The person who approved access, where applicable; and
 5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
- K. In the event that a recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or designee.
1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
- L. Officers and employees shall not reproduce or store any recordings to any device or storage medium. This shall include, but not be limited to, cell phones, electronic notebooks, etc.
- M. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police. Officers are encouraged to notify their supervisors of recordings, which may be beneficial for training purposes.

VII. Deletion Requests

- A. Only the Internal Affairs Unit can delete BWC recordings with the expressed consent of the Chief of Police or the Hudson County Prosecutor's Office.
- B. If an officer has inadvertently recorded data that is private or inappropriate, a request to delete the recording should be made to their immediate supervisor as soon as possible.
1. The video shall not be viewed, but the officer shall tag the recording as special privacy, and submit a 203A to the Internal Affairs Unit and the system administrator. The actual BWC shall be taken out of service and turned over to the Internal Affairs Unit for downloading. The officer shall be issued a spare unit.
 2. Depending on the circumstances, the Internal Affairs commander shall assign an investigator to the incident.
 3. Internal Affairs shall conduct an investigation, respecting all rights

to personal privacy, having the BWC recording viewed only by an officer of the same sex, if necessary.

4. Upon completion of the investigation, the Internal Affairs commander shall notify the Chief of Police and request permission to delete the recording if warranted.

All members of the Department will take cognizance of the foregoing and be guided accordingly. Each superior officer will be responsible for directing the effective implementation of this order.

BY ORDER OF:



**MICHAEL J. KELLY
CHIEF OF POLICE**